

Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Manuel W. Diaz

Case No.	Case Name:	<u>Date Open:</u>	<u>Date Closed:</u>
K13-035	CRA/Lynda Bell	March 13, 2013	June 24, 2013
Complainant(s): <u>EYE ON MIAMI</u> blog	Subject(s): Miami-Dade County Commissioner Lynda Bell		

Allegation(s):

On March 13, 2013, the Blog EYE ON MIAMI published an article concerning Miami-Dade County Commissioner Lynda Bell's (Bell) efforts to pass legislation in Tallahassee that would give control of local Community Redevelopment Agencies (CRAs) to the Miami-Dade Board of County Commissioners.

The COE initiated an investigation to determine if a recent Homestead CRA (HCRA) decision to award Bell's husband a grant was in any way influenced by Bell's legislative

activities in Tallahassee.

Relevant Ordinances:

Miami Dade County Conflict of Interest and Code of Ethics Ordinance , Sec 2-11.1

(g) Exploitation of official position prohibited.

“No person included in the terms defined in Subsections (b) (1) through (6) and (b) (13) shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or her or others except as may be specifically permitted by other ordinances and resolutions previously ordained or adopted or hereafter to be ordained or adopted by the Board of County Commissioners.”

Investigation:

Interviews

Rick Ammirato (Ammirato), Executive Director, HCRA

Ammirato explained the process that the HCRA uses to accept, evaluate and award requests for funding. He explained that the HCRA awards 90% matching grants up to \$25,000 in Homestead's Historic District. The funds are distributed as reimbursements to the grantee once the work is inspected and approved. HCRA grants are awarded on a "first come" basis. When the money in the budget has been awarded, applicants must wait until there is additional money available.

According to Ammirato the grant amount varies by location within the City. Applications are reviewed at three levels: by the HCRA administration, by the SW Advisory Neighborhood Committee (whose members are elected city wide) and by the HCRA Board (whose members consist of the members of the Homestead City Council).

Ammarito advised that the application submitted by Mark Bell (M. Bell) was received by the HCRA on December 19, 2012. The application was submitted under "5 South Flagler Ave, LLC," the name of the Florida Corporation which owns the hotel. The hotel is located in the Homestead Historic District and qualifies for the 90% matching award up to \$25,000. The application was reviewed and approved at the three levels. Ammirato advised that after the administrative review and before the application was submitted, he consulted with the City Attorney because the applicant was related to a member of the BCC. The attorney opined that the application should be processed and treated like any other application.

Ammirato recalled that Commissioner Bell spoke to him prior to the application being submitted. She questioned if the façade grant program was still active but there is no indication that Bell used her position as a member of the BCC to influence the award.

Document/Audio/Video Review:

HCRA Commercial Enhancement Grant Application

Applicant: 5 South Flagler Avenue, Homestead, Flagler (Mark Bell)

Request \$25,000 for exterior work to the outside of the building.

Blog: EYE ON MIAMI “ Commissioner Lynda Bell Try’s an End-run on City of Homestead”
Bell lobbies in Tallahassee to change the reporting of the HCRA from Homestead to Miami-Dade County. The article noted that Bell was in Tallahassee, lobbying to have CRA control removed from Municipalities and given to the Counties.

Memorandum: Carlos Gimenez, Mayor to Honorable Chairman Rebecca Sosa and Members Board of County Commissioners, dated February 5, 2013.

Subject FY 2011-12 and FY 2012-13 Budgets for the HCRA.

Recommending that the Commission approve the HCRA FY 2011-12 and the FY 2012-13 Budgets. The FY 2011-12 Budget contained \$300,000 for Commercial Enhancements. The FY 2012-13 Budget contained \$300,000 for Commercial Enhancements.

The Resolution passing the Budget approved by the County Commission of February. The Resolution passes 13-0.

Note: During the discussion of the item, Bell questioned Ammirato concerning a recent Inspector General Audit of a past grant award where the recipient was determined to have

misused HCRA funds.

HCRA Budgets for 2011-12 and 2012-13. Both contained \$300,000 for Commercial Enhancements. There was no mention of specific projects.

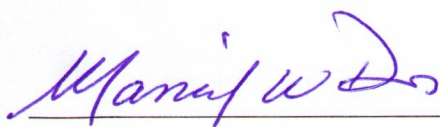
Florida HB 547 Community Redevelopment Agencies. General Bill by Eric Fresen
The Bill provided for the Termination of a Municipal CRA with the duties and responsibilities moved the respective County, if the Municipal CRA has been found to be negligent in its duties and responsibilities. Negligence is determined by the respective County after an audit of the Municipal CRA award of funds. The Bill is generic and does not mention any specific Municipality or County. (Copy in file)

Minutes for the HCRA meeting of March 12, 2012.

During the meeting the grant was discussed. The HCRA attorney opined that the grant could be awarded. The motion to make the award passes 3-1.

Conclusion:

There is no evidence to indicate that Commissioner Lynda Bell exploited her official position or did anything inappropriate with regard to the CRA grant obtained by her husband, Mark Bell.



Manuel W. Diaz, COE Investigator

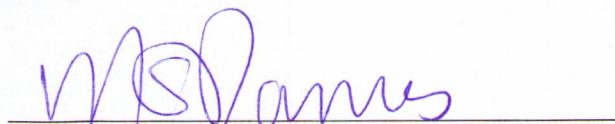
Approved by:



Michael P. Murawski, Advocate

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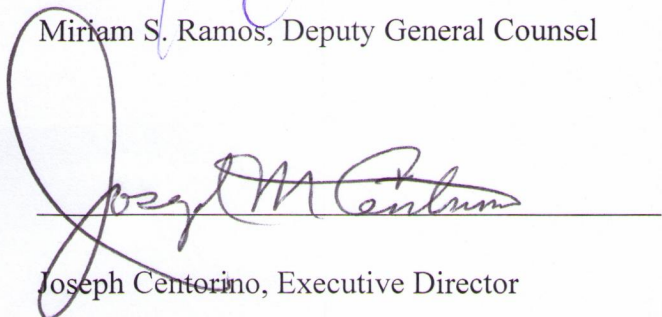
Date



Miriam S. Ramos, Deputy General Counsel

7/1/13

Date



Joseph Centorino, Executive Director

7/1/13

Date